

## REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-6, 8-15, 17-20, 22-26 and 28-33 are pending. Claims 1-6, 8-15, 17-20, 22-26 and 28-33 stand rejected. In this response, claims 1, 8, 17, 22 and 28 have been amended. No new claims have been added. No claims have been canceled. Thus, claims 1-6, 8-15, 17-20, 22-26 and 28-33 remain pending. Support for the amendments can be found throughout the specifications as filed. No new matter has been added. Applicant reserves all rights with respect to the applicability of the Doctrine of Equivalents.

### Rejections

#### *Rejections under 35 U.S.C. § 103(a)*

#### Claims 1-3, 6, 8, 11, 13, 15, 17-20, 22-24, 26, 28-30 and 33

Claims 1-3, 6, 8, 11, 13, 15, 17-20, 22-24, 26, 28-30 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keiko Abe, US Patent No. 6,714,216 (hereinafter “Abe”) in view of Ellis et al., US Patent Application Publication No. US2003/0149988 (hereinafter “Ellis”), and further in view of Kazushi Yoda, US Patent No. 6,593,946 (hereinafter “Yoda”). However, Applicant respectfully submits that applicant’s claims 1-3, 6, 8, 11, 13, 15, 17-20, 22-24, 26, 28-30 and 33, as amended, are patentable over the cited references.

Specifically, for example, independent claim 1, as amended, includes the limitations:

“capturing the time based stream of information from an information source having a transfer rate into a storage in response to repetitive interrupts having a recurring rate substantially similar to the transfer rate for a period of time;

outputting the time based stream of information to a display window for the period of time based on an output rate substantially similar to the transfer rate;

playing the time based stream of information from the storage based on the transfer rate subsequent to the period of time;

outputting the time based stream of information to the display window substantially simultaneously with the play of the time based stream of

information from the storage;  
partitioning a first portion and a second portion of the time based stream of information based on the playing, the first portion being stored in a first part of the storage, the first portion and the second portion being consecutive in time, the second portion being stored in a second part of the storage, the first portion being captured into the first part during a first time period of the period of time, the second portion being captured into the second part during a second time period of the period of time, the first part and the second part being consecutive in the storage, and the first part being of different size than the second part;  
selecting the first portion of the time based stream of information;  
receiving a user deletion command; and  
moving the second portion of the time based stream of information from the second part of the storage to the first part of the storage for deleting the first portion from the storage, without examining storage capacity state in response to the user deletion command such that the first portion is no longer stored on the storage and is thereby destructively edited”  
(emphasis added)

Applicant's amended claim 1 includes the limitations of partitioning a first portion and a second portion from a time based stream of information stored in a storage including a consecutive first part and a second part to move the second portion stored in the second part to the first part for deleting the first portion stored in the first part, wherein the time based stream of information being captured into the storage based on a transfer rate according to interrupts with a recurring rate substantially similar to the transfer rate for a period of time, wherein the time based stream of information being outputted to a display window with an output rate substantially similar to the transfer rate for the same period of time, and wherein the first part and the second part of the storage being of different sizes. It is respectfully submitted that Abe, Ellis or Yoda, individually or in combination, fail to disclose or suggest the noted limitations.

Rather, Abe teaches a video editing device for successively extracting at least one vertical line from each video frame of a video sequence to produce vertical slits and successively arranging the vertical slits as a number of video images representing individual video frames in a horizontal direction to produce a video browser for browsing the video sequence (Abe, Abstract). Abe describes setting an editing point of a video sequence or a video clip to perform editing operations rapidly and efficiently for (Abe, col. 2, lines 35-38). Abe also discloses an external storage apparatus storing video data files and audio data files

(Abe, Fig 12, col. 6 lines 20-66). An image process in Abe produces display video data based on data files read out from the external storage apparatus and sends out the display video data to a video random access memory (Abe, Fig. 12, col. 7 lines 52-61). Additionally, Abe teaches a clip deletion mode to control the external storage apparatus and the image processor to delete designated video clip and audio clip, thereby deleting corresponding cursors in a video browser window and the frameworks of the corresponding video clip and audio clip in a time line window (Abe, Fig. 12, col. 17, lines 18-31). However, nowhere does Abe disclose or suggest partitioning a first portion and a second portion from a time based stream of information stored in a storage including a consecutive first part and a second part to move the second portion stored in the second part to the first part for deleting the first portion stored in the first part, wherein the time based stream of information being captured into the storage based on a transfer rate according to interrupts with a recurring rate substantially similar to the transfer rate for a period of time, wherein the time based stream of information being outputted to a display window with an output rate substantially similar to the transfer rate for the same period of time, and wherein the first part and the second part of the storage being of different sizes.

Ellis, on the other hand, teaches an interactive television program guide system providing users with an opportunity to select programs for recording on a remote media server or a local media server using VCR like control over programs that are played back from the media servers and over real-time cached copies of the programs (Ellis, ABSTRACT). Ellis, Ellis' program guide provides users an opportunity to delete programs that are no longer desired (Ellis, [0167]). Ellis also discloses a media server issues a delete command to a storage device to delete a selected program from its media store and update media directories and user directory (Ellis, [0168]). In addition, Ellis describes media servers automatically delete portions of a program that is being real-time cached (Ellis, [0169]). However, nowhere does Ellis disclose or suggest partitioning a first portion and a second portion from a time based stream of information stored in a storage including a consecutive first part and a second part to move the second portion stored in the second part to the first part for deleting the first portion stored in the first part, wherein the time based stream of information being captured into the storage based on a transfer rate according to interrupts with a recurring rate substantially similar to the transfer rate for a period of time, wherein the time based stream of

information being outputted to a display window with an output rate substantially similar to the transfer rate for the same period of time, and wherein the first part and the second part of the storage being of different sizes.

Yoda, however, teaches a method of controlling a terminal device which receives display information from a host device and displays the display information on a screen to display the newest display information in a predetermined area of the screen and display previous display information once displayed as the newest display information in a remaining area of the screen (Yoda, Abstract). Yoda describes a screen buffer storing display information currently displayed by a data-display unit (Yoda, col. 1, lines 31-33). Yoda also provides a previous screen storage unit including a first previous-screen storage area, a second previous-screen storage area, and a third previous-screen storage area (Yoda, col. 9, lines 55-64). According to Yoda, in response to an erase-write command, when new display information is to be stored in the screen buffer, display information stored in the third previous-screen storage area is erased; display information stored in the second previous-screen storage area is transferred to the third previous-screen storage area; display information stored in the first previous-screen storage area is transferred to the second previous-screen storage area; and what is stored in the screen buffer before rewriting the screen buffer is stored in the first previous-screen storage area (Yoda, col. 9, line 45 – col. 10 line 3).

Yoda's screen buffer captures currently displayed information from a data-display. Clearly, a screen capture only records what is displayed on the screen at the moment of capturing. Thus, Yoda's screen storage area does not store a time based stream of information captured for a period of time. Nowhere does Yoda disclose or suggest partitioning a first portion and a second portion from a time based stream of information stored in a storage including a consecutive first part and a second part to move the second portion stored in the second part to the first part for deleting the first portion stored in the first part, wherein the time based stream of information being captured into the storage based on a transfer rate according to interrupts with a recurring rate substantially similar to the transfer rate for a period of time, wherein the time based stream of information being outputted to a display window with an output rate substantially similar to the transfer rate for the same period of time, and wherein the first part and the second part of the storage being of different sizes.

Furthermore, Abe is related to video editing apparatus and method wherein an editing point is set for a plurality of video sequences imaged from multiple angles with the same time frame (Abe, col. 1, lines 6-14). Ellis, on the other hand, is related to interactive television program guide systems that allow users to record programs and program guide data on a media server. Yoda, however, is related to the controlling of a terminal device whereby the terminal device displays results of processing that is performed by a host device (Yoda, col. 1, lines 11-14). Clearly, an interactive television program guide system, a video editing apparatus and a method for terminal device controlling belong to completely different arts requiring quite differing approaches. There is neither suggestion nor motivation to combine Abe, Ellis and Yoda.

Moreover, Yoda's display buffer stores the display information currently displayed by the data-display unit to the display device (Yoda, col. 9, lines 30-34). Thus, Yoda's screen buffer stores display information played (displayed) currently at one point in time. Additionally, Yoda' display information stored in the third previous-screen storage area is transferred from the second previous-screen storage area, which stores display information transferred from the first previous-screen storage area, which in turn receives a transfer of the display information from the screen buffer. Clearly, each of Yoda's storage area stores a copy of the display information from the same screen buffer which stores display information for the same data-display unit currently at some point in time. In contrast, the above noted limitations include consecutive portions of a time based stream of information stored in consecutive parts of a storage of different sizes. Therefore, Yoda teaches away from the above noted limitations of claim 1, as amended.

In addition, Yoda explicitly states to make a check as to whether the number of screen images of stored display information is going to exceed a maximum number of storables images of the previous-screen storage unit when current display information is to be stored (Yoda, col. 11, lines 60-65). In contrast, claim 1, as amended, includes the limitation of "without examining storage capacity state". Thus, Yoda further teaches away from the limitations of claim 1, as amended.

As such, not only do Abe, Ellis and Yoda not disclose, individually or in combination, the above noted limitations, but the references, considered as a whole, do not suggest the

desirability and thus the obviousness of making the combination. It would be impermissible hindsight to combine Abe with Ellis and Yoda based on Applicant's own disclosure.

Even if they were combined, such combination still lacks the limitations of partitioning a first portion and a second portion from a time based stream of information stored in a storage including a consecutive first part and a second part to move the second portion stored in the second part to the first part for deleting the first portion stored in the first part, wherein the time based stream of information being captured into the storage based on a transfer rate according to interrupts with a recurring rate substantially similar to the transfer rate for a period of time, wherein the time based stream of information being outputted to a display window with an output rate substantially similar to the transfer rate for the same period of time, and wherein the first part and the second part of the storage being of different sizes.

Therefore, Applicant respectfully submits that claim 1, as amended, is patentable over Abe in view of Ellis and in further view of Yoda under U.S.C. §103(a). Independent claims 8, 17, 22 and 28, as amended, include limitations similar to those discussed above. Therefore, for at least the reasons similar to those discussed above, Applicant respectfully submits that claims 8, 17, 22 and 28, as amended, are patentable over Abe in view of Ellis and in further view of Yoda under U.S.C. §103(a).

Given that claims 2-3, 6, 11, 13, 15, 18-20, 23-24, 26, 29-30 and 33, as amended, depend from and include all limitations of one of independent claims 1, 8, 17, 22 and 28, as amended, Applicant respectfully submits that claims 2-3, 6, 11, 13, 15, 18-20, 23-24, 26, 29-30 and 33, as amended, are patentable over Abe in view of Ellis and in further view of Yoda under 35 U.S.C. §103(a).

#### **Claims 4, 14, 25 and 31**

Claims 4, 14, 25 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abe, in view of Ellis and Yoda, and further in view of Chao et al. US Patent No. 6,714,216 (hereinafter "Chao"). However, Applicant respectfully submits that Applicant's claims 4, 14, 25 and 31 as amended, are patentable over the cited references.

Claims 4, 14, 25 and 31 depend from one of independent claims, 1, 8, 22 and 28, as amended, and include the limitations set forth above. It is respectfully submitted that Abe, Ellis, Yoda, for the reasons similar to those discussed above, or Chao, individually or in combination, fail to disclose or suggest the noted limitations.

Chao teaches a method of editing video sequences including the steps of displaying a time rectangle of a video sequence on a timeline on a monitor of an editing computer, placing a movable cursor at a selected location along the time rectangle, displaying a miniature version of a video frame corresponding to the selected location of the time rectangle adjacent the cursor in time rectangle and editing the video sequence based upon the displayed video frame (Chao, col. 2, line 66 – col. 3 line 7). Chao also discloses a trimming operation where a processor determines the cursor position and deletes the frames from the beginning of a clip or from the cursor location of the clip (Chao, col. 6, lines 5-17). However, nowhere does Chao disclose or suggest partitioning a first portion and a second portion from a time based stream of information stored in a storage including a consecutive first part and a second part to move the second portion stored in the second part to the first part for deleting the first portion stored in the first part, wherein the time based stream of information being captured into the storage based on a transfer rate according to interrupts with a recurring rate substantially similar to the transfer rate for a period of time, wherein the time based stream of information being outputted to a display window with an output rate substantially similar to the transfer rate for the same period of time, and wherein the first part and the second part of the storage being of different sizes.

Furthermore, Chao is related to a computer-based system for editing video and audio sequences. For at least the reasons similar to those discussed above, there is neither suggestion nor motivation to combine Abe, Ellis, Yoda and Chao.

As such, not only do Abe, Ellis, Yoda and Chao not disclose, individually or in combination, the above noted limitations, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. Even if they were combined, such combination still lacks the limitations set forth above. It would be impermissible hindsight to combine Abe, Ellis, Yoda and Chao based on applicant's own

disclosure. Even if they are combined, such combination still lacks the limitations set forth above.

Therefore, Applicant respectfully submits that claims 4, 14, 25 and 31 are patentable over the cited references.

**Claims 5, 9-10, 12 and 32**

Claims 5, 9-10, 12 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abe in view of Ellis and Yoda, and further in view of Owen John Gamon, US Patent No. 6,345,318 (hereinafter “Gamon”). Applicant hereby reserves the right to swear behind Gamon at a later date. However, Applicant respectfully submits that Applicant’s claims 5, 9-10, 12 and 32 are patentable over the cited references.

Claim 5, 9-10, 12 and 32 depend from one of independent claims 1, 8 and 28, as amended, and include the limitations set forth above. It is respectfully submitted that Abe, Ellis, Yoda, for the reasons similar to those discussed above, or Gamon, individually or in combination, fail to disclose or suggest the noted limitations.

Rather, Gamon teaches a method for presenting only those confirmation messages that the user would like to see (Gamon, col. 2, lines 34-36). In Gamon, a control program allows the user to specify categories of operations in a category list to select which categories receive confirmation messages and to select which categories of operation have deleted data sent to a recycle bin (Gamon, col. 2, lines 36-41). However, nowhere does Gamon disclose or suggest partitioning a first portion and a second portion from a time based stream of information stored in a storage including a consecutive first part and a second part to move the second portion stored in the second part to the first part for deleting the first portion stored in the first part, wherein the time based stream of information being captured into the storage based on a transfer rate according to interrupts with a recurring rate substantially similar to the transfer rate for a period of time, wherein the time based stream of information being outputted to a display window with an output rate substantially similar to the transfer rate for the same period of time, and wherein the first part and the second part of the storage being of different sizes.

Furthermore, Gamon is related to improved information processing systems. Abe teaches a video editing device. Ellis discloses an interactive television program guide. Yoda, however, discusses a terminal control device for a host device. Apparently, Gamon, Abe, Ellis and Yoda belong to unrelated arts. Thus, for at least the reasons similar to those discussed above, there is neither suggestion nor motivation to combine Abe, Ellis, Yoda and Gamon.

As such, not only do Abe, Ellis, Yoda and Gamon not disclose, individually or in combination, the above noted limitations, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. Even if they were combined, such combination still lacks the limitations set forth above. It would be impermissible hindsight to combine Abe, Ellis, Yoda and Gamon based on applicant's own disclosure.

Therefore, Applicant respectfully submits that claims 5, 9-10, 12 and 32 are patentable over the cited references.

## **CONCLUSION**

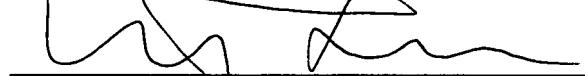
In view of the foregoing, applicant respectfully submits that all applicable objections and rejections have been overcome.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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Vincent WenJeng Lue  
Reg. No. 56,564  
Vincent\_Lue@bstz.com

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300